

PATENT COOPERATION TREATY

AG

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

G.E. EHRICH (1995)LTD.
11 MENACHEM BEGIN STREET
52521 RAMAT GAN
ISRAEL

RECEIVED

03 JUN 2009

FILE No. 45192

G.E. EHRICH (1995) LTD

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing
(day/month/year)

13 MAY 2009

(d)

Applicant's or agent's file reference

45192

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.

PCT/IL 08/01492

International filing date

(day/month/year)

13 November 2008 (13.11.2008)

Applicant **SENG ENTERPRISES LTD.**

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 338 8270

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450, Alexandria, Virginia 22313-1450
Facsimile No. 571-273-3201

Authorized officer:

Lee W. Young

PCT Helpdesk: 571-272-4300
PCT OSP: 571-272-7774

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 45192	FOR FURTHER ACTION	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/IL 08/01492	International filing date (<i>day/month/year</i>) 13 November 2008 (13.11.2008)	(Earliest) Priority Date (<i>day/month/year</i>) 15 November 2007 (15.11.2007)
Applicant SENG ENTERPRISES LTD.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed.
☐ a translation of the international application into _____ which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (see Box No. II).

3. ☒ **Unity of invention is lacking** (see Box No. III).

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant.
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant.
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 12B
☐ as suggested by the applicant.
☒ as selected by this Authority, because the applicant failed to suggest a figure.
☐ as selected by this Authority, because this figure better characterizes the invention.
- b. ☐ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/IL 08/01492

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

Group I: claims 1-11, 25-36 and 48-51, directed to a holding device for cells comprising an array of spaced picoliter wells, further wherein the holder may be translucent.

Group II: claims 12 and 13, directed to a method of forming a template for a picoliter well array.

Group III: claims 14-24 and 37-47, directed to a method of forming a cell holding device having an array of picoliter wells.

- Please see extra sheet for continuation -

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying additional fees, this Authority did not invite payment of additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:
1-11, 25-36 and 48-51

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/IL 08/01492

A. CLASSIFICATION OF SUBJECT MATTER

IPC(8) - C12M 3/00 (2009.01)

USPC - 435/305.2

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

USPC 435/305.2

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
All USPC; USPC 435/305.2; IPC C12M 3/00Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
PubWEST(USPT,PGPB,EPAB,JPAB); Google: picoliter; pico liter; pL; well; array; emboss; refractive index; medium; substrate; cell; mold; inert; adhesive; curable; holder; UV; ultraviolet; mm Hg; studying cells; reduced pressure; vacuum

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X ---- Y	US 2005/0277125 A1 (Benn, et al) 15 December 2005 (15.12.2005); para [0068], [0076]-[0077], [0081]-[0082], [0099], [0110], [0113], [0142], [0158]-[0159], [0170], [0279]-[0280], [0295]; Fig 6, 19, 31	7-10 ----- 1-6, 11
X ---- Y	WO 2005/007796 A2 (Deutsch, et al) 27 January 2005 (27.01.2005); pg 1, ln 4-5; pg 6, ln 23 to pg 7, ln 3; pg 11, ln 25-31; pg 12, ln 1-15; pg 13, ln 8-20; pg 17, ln 19-26; pg 33, ln 16-20; pg 39, ln 12-18; pg 42, ln 20-28; pg 43, ln 5-11; pg 49, ln 3-30; pg 50, ln 14-19; Fig 10A-10C, 13-16	25-33, 48-51 ----- 34-36
Y	US 2005/0026299 A1 (Bhattacharjee, et al) 3 February 2005 (03.02.2005); Abstract; para [0007]-[0008], [0011], [0049], [0066]; Fig 1, 2, 4, 5, 11B	1-6, 11
Y	US 4,684,538 A (Klemarczyk) 4 August 1987 (04.08.1987); col 1, ln 50-62; col 13, ln 62 to col 14, ln 4; col 14, ln 7-25	34-35
Y	US 3,558,387 A (Bassemir, et al) 26 January 1971 (26.01.1971); col 2, ln 52-58; col 3, ln 65-68; col 4, ln 32-34; col 4, ln 58-69	36

☐ Further documents are listed in the continuation of Box C.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"I" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

30 April 2009 (30.04.2009)

Date of mailing of the international search report

13 MAY 2009

Name and mailing address of the ISA/US

Mall Stop PCT, Attn: ISA/US, Commissioner for Patents
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Facsimile No. 571-273-3201

Authorized officer:

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PCT Helpdesk: 571-272-4300

PCT OSP: 571-272-7774

INTERNATIONAL SEARCH REPORT

International application No.

PCT/IL 08/01492

Continuation of Box III: Lack of Unity of Invention

The inventions listed as Groups I - III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The special technical feature of the Group I claims is a holding device for cells comprising an array of spaced picoliter wells. The special technical feature of the Group II claims is a method of forming a template for a picoliter well array. These special technical feature of the Group III claims is a method of forming a cell holding device having an array of picoliter wells.

The only common technical element shared by the above groups is that they are related to an array of wells having picoliter volume. This common technical element does not represent an improvement over the prior art of US 2004/0219074 A1 to Childers et al. (see para [0015], [0028]) Therefore, the inventions of Groups I-III lack unity of invention under PCT Rule 13 because they do not share a same or corresponding special technical feature.